

### V. REMARKS

Claims 1-15 are provisionally rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable claims 1-10 of copending Application No. 10/64 4955 and claims 1-8 of copending Application No. 10/715,494. The rejection is respectfully traversed.

In determining double patenting, the issue is whether any claim of the application defines merely an obvious variation of an invention claimed in the earlier patent or application. It does not prohibit a later claiming of subject matter that is disclosed but not claimed in the earlier patent or application. Double patenting is concerned with attempts to "claim" related subject matter twice. In re Gibbs, 437 F.2d 486, 168 USPQ 578 (CCPA 1971). It is respectfully submitted that the rejection must be withdrawn because the claims of the instant application do not claim related subject matter twice.

The issue in addressing the judicially created doctrine of obviousness-type double patenting is whether any claim of the application defines merely an obvious variation of the invention claimed in the earlier patent applications. It is respectfully submitted that currently pending claims 13-15 do not claim an obvious variation of the invention claimed in the earlier patent applications.

The United States Patent and Trademark Office must establish a *prima facie* case of obviousness-type double-patenting or the rejection, if applied, will be reversed by the Board of Patent Appeals. The United States Patent and Trademark Office is obligated to clearly set forth the basis of an obviousness-type double-patenting rejection. Under MPEP 804 II. B. 1., it states:

Any obviousness-type double patenting rejection should make clear:

(A) The differences between the inventions defined in the conflicting claims--a claim in the patent compared to a claim in the application; and

(B) The reasons why a person of ordinary skill in the art would conclude that the invention defined in the claim in

issue is an obvious variation of the invention defined in a claim in the patent.

It is respectfully submitted that the rejection is improper because the United States Patent and Trademark Office fails to make clear the obviousness-type double patenting rejection, particularly subparagraphs (A) and (B) above. As a result, it is respectfully submitted that the United States Patent and Trademark Office fails to establish a *prima facie* case of obviousness-type double patenting.

Further, claims 1-12 are now canceled and therefore the rejection as applied thereto is now moot.

Withdrawal of the rejection is respectfully requested.

Claims 1-9 and 13-15 are rejected under 35 U.S.C. 102(b) as anticipated by Muir et al. (U.S. Patent Application Publication No. 2005/0192090). The rejection is respectfully traversed.

Muir discloses that a gaming machine has a display panel which is placed in front of the reels, overlies images on the reels, and disables a player to visually recognize the reels by displaying a "BONUS" image.

However Muir does not disclose "a stop control selection device" and "a shielding control device".

That is, this invention has "a stop control selection device" which is used by "a shielding control device". Herein, the shielding control device is for performing, in accordance with selection by the stop control selection device, switch control of the shielding device between a state enabling a player to visually recognize some of the symbols and another state disabling the player from visually recognizing some of the symbols.

With such an arrangement, for example, since other reel symbols than the winning symbols are hidden by an electronic shutter and only the winning combination is put in visually recognizable states, it is clear at a glance which winning combination has become established along which pay line and the winning effect can thus be notified effectively to the player.

It is respectfully submitted that the rejection is improper because the applied art fails to teach each element of claim 13 as now amended. As a result, it is respectfully submitted that claim 13 is allowable over the applied art.

Claims 14 and 15 depend from claim 13 and include all of the features of claim 13. Thus, it is respectfully submitted that the dependent claims are allowable at least for the reason claim 13 is allowable as well as for the features they recite.

Claims 1-12 are canceled and therefore the rejection as applied thereto is now moot.

Withdrawal of the rejection is respectfully requested.

Claims 10-12 are rejected under 35 U.S.C. 103(a) as unpatentable over Muir as applied to claims 1-9 and 13-15 in view of Nishikawa (JP Publication No. 2000-300729). The rejection is respectfully traversed.

Claims 10-12 are canceled and therefore the rejection as applied thereto is now moot.

Withdrawal of the rejection is respectfully requested.

Further, newly-added claim 16 also includes features not shown in the applied art.

Further, Applicants assert that there are also reasons other than those set forth above why the pending claims are patentable. Applicants hereby reserve the right to submit those other reasons and to argue for the patentability of claims not explicitly addressed herein in future papers.

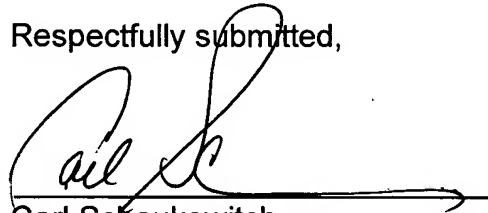
In view of the foregoing, reconsideration of the application and allowance of the pending claims are respectfully requested. Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

Should additional fees be necessary in connection with the filing of this paper or if a Petition for Extension of Time is required for timely acceptance of the same, the Commissioner is hereby authorized to charge Deposit Account No. 18-0013 for any such fees and Applicant(s) hereby petition for such extension of time.

Respectfully submitted,

Date: August 29, 2006

By:

A handwritten signature in black ink, appearing to read 'Carl Schaukowitch', is written over a horizontal line that ends in an arrow pointing to the right.

Carl Schaukowitch  
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Enclosure(s):          Amendment Transmittal

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